



DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Proposed Agency Information Collection Activities; Comment Request

[Docket No. FRA-2013-0002-N-4]

Agency: Federal Railroad Administration, DOT.

Action: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting these information collection requirements (ICRs) for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than [INSERT DATE 60 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Ave., SE, Mail Stop 25, Washington, D.C. 20590, or Ms. Kimberly Toone, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave., SE, Mail Stop 35, Washington, D.C. 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB Control Number 2130-0533." Alternatively, comments may be transmitted via facsimile to (202) 493-6216 or (202) 493-6170, or via e-mail to Mr. Brogan at Robert.Brogan@dot.gov, or to Ms. Toone

at Kimberly.Toone@dot.gov. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Ave., SE, Mail Stop 25, Washington, D.C. 20590 (telephone: (202) 493-6292) or Ms. Ms. Kimberly Toone,, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave., SE, Mail Stop 35, Washington, D.C. 20590 (telephone: (202) 493-6132). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

The Paperwork Reduction Act of 1995 (PRA), Pub. L. No. 104-13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR Part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being

collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(I)-(iv); 5 CFR 1320.8(d)(1)(I)-(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a “user friendly” format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Below is a brief summary of the currently approved ICRs that FRA will submit for clearance by OMB as required under the PRA:

Title: Qualifications for Locomotive Engineers

OMB Control Number: 2130-0533

Abstract: Section 4 of the Rail Safety Improvement Act of 1988 (RSIA), Public Law 100-342, 102 Stat. 624 (June 22, 1988), later amended and re-codified by Public Law 103-272, 108 Stat. 874 (July 5, 1994), required that FRA issue regulations to establish any necessary program for certifying or licensing locomotive engineers. The collection of information is used by FRA to ensure that railroads employ and properly train qualified individuals as locomotive engineers and designated supervisors of locomotive engineers. The collection of information is also used by FRA to verify that railroads have established required certification programs for locomotive engineers and that these programs fully conform to the standards specified in the regulation.

Affected Public: Businesses

Respondent Universe: 733 railroads

Frequency of Submission: On occasion; annually; tri-annually

Reporting Burden:

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours
240.9 – Waivers	733 railroads	3 waiver petitions	1 hour	3 hours
240.101/103 - Cert. Prog. - Amendmnts - Cert. Prog. - New - Final Review - Material Modification to Program	733 railroads 20 railroads 20 railroads 733 railroads	50 amendments 20 programs 20 reviews 30 modified prog.	1 hour 40 hours 1 hour 45 minutes	50 hours 800 hours 20 hours 23 hours
240.105(b) - Selection Criteria for DSLEs - Exams (c) Written Reports/ Determinations of DSLE Performance Skills	733 railroads 10 railroads	50 examinations 10 reports	1 hour 1 hour	50 hours 10 hours
240.109/App. C – Prior Safety Conduct Data	17,667 candidates	25 responses	60 minutes	25 hours
240.111/App C - Driver's License Data - NDR Match - notifications and requests for data -Written response from candidate on driver's lic. data	17,667 candidates 733 railroads 733 railroads	17,667 requests 177 notices + 177 requests 20 cases/comments	15 minutes 15 min. + 15 min. 15 minutes	4,417 hours 89 hours 5 hours
240.111(g) - Notice to RR of Absence of License	53,000 candidates	4 letters	15 minutes	1 hour
240.111(h)-Duty to furnish data on prior safety conduct as motor vehicle op.	733 railroads	200 phone calls	10 minutes	33 hours
240.113 - Notice to RR Furnishing Data on Prior Safety Conduct - Diff. RR	17,667 candidates	353 requests + 353 responses	15 min./30 min.	265 hours

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours
240.119 - Self-referral to EAP re: active substance abuse disorder	53,000 locomotive engineers	50 self-referrals	5 minutes	4 hours
240.121 - Criteria - Vision/Hearing Acuity Data - New Railroads	20 railroads	20 copies	15 minutes	5 hours
240.121 - Criteria - Vision/Hearing Acuity Data - Cond. Certification	733 railroads	20 reports	1 hour	20 hours
240.121 - Criteria - Vision/Hearing Acuity Data - Not Meeting Standards – Notice by Employee	733 railroads	10 notifications	15 minutes	3 hours
240.127 – Criteria for Examining Skill Performance – Modification to Certification Program to Include Scoring System	733 railroads	46 amended programs + 687 amended programs	48 hours + 8 hours	7,704 hours
240.201/221 - List of Qualified DSLEs	733 railroads	733 updates	60 minutes	733 hours
240.201/221 - List of Qualified Loco. Engineers	733 railroads	733 updated lists	60 minutes	733 hours
240.201/223/301- Loco. Engineers Certificate	53,000 candidates	17,667 certificates	5 minutes	1,472 hours
- False entry on certificates	N/A	N/A	N/A	N/A
240.205 - Data to EAP Counselor	733 railroads	177 records	5 minutes	15 hours
240.207 - Medical Certificate Showing Hearing/Vision Standards are Met	53,000 candidates	17,667 certificates	70 minutes	20,612 hours
- Written determinations waiving use of corrective device	733 railroads	10 determinations	2 hours	20 hours
240.219 - Denial of Certification	17,667 candidates	30 letters + 30 responses	1 hour	60 hours
- Notification to Employee of Adverse Decision	733 railroads	30 notifications	1 hour	30 hours

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours
240.227 - Canadian Certification Data	N/A	N/A	N/A	NA/
240.229 - Joint Operations – Notice – not qualified	321 railroads	184 employee calls	5 minutes	15 hours
240.309 - RR Oversight Resp.: Detected Poor Safety Conduct - Annotation	15 railroads	6 annotations	15 minutes	2 hours
<u>Testing Requirements</u> 240.209/213 - Written Tests	53,000 candidates	17,667 tests	2 hours	35,334 hours
240.211/213 - Performance Test	53,000 candidates	17,667 tests	2 hours	35,334 hours
240.303 - Annual operational monitor observation	53,000 candidates	53,000 tests/docs.	2 hours	106,000 hours
240.303 - Annual operating rules compliance test	53,000 candidates	53,000 tests	1 hour	53,000 hours
<u>Recordkeeping</u> 240.215 - Retaining Info. Supporting Determination	733 railroads	17,667 records	30 minutes	8,834 hours
240.305 - Engineer's Notice of Non-Qualification to RR - Relaying Certification Denial or Revocation Status to other certifying railroad	53,000 engineers or candidates	100 notifications	5 minutes	8 hours
	1,060 engineers	2 letters	30 minutes	1 hour
240.307 - Notice to Engineer of Disqualification	733 railroads	900 letters	1 hour	900 hours
240.309 -Railroad Annual Review - Report of findings	51 railroads	51 reviews	40 hours	2,040 hours
	51 railroads	12 reports	1 hour	12 hours

Total Responses: 217,325

Estimated Total Annual Burden: 278,682 hours

Status: Regular Review

Pursuant to 44 U.S.C. 3507(a) and 5 C.F.R. §§ 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. §§ 3501-3520.

Issued in Washington, D.C. on February 13, 2013 .

Rebecca Pennington
Chief Financial Officer
Federal Railroad Administration

[FR Doc. 2013-03869 Filed 02/19/2013 at 8:45 am; Publication Date: 02/20/2013]